IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 447 OF 2006
WITH
CIVIL APPLICATION NO. 544 OF 2006.

Rekha Vipin Khakhar ... Appellant

V/s

Hamir Jaisingh Mulani ... Respondent

Mr. S.N. Vaishnawa i/by N.V. Vaishnawa for the appellant.

Mr. Ruchir Tolat with D.S. Shah i/by Mayur Narendra & Co. for the respondent.

CORAM: A.M. KHANWILKAR, J.

DATED: 28TH JULY, 2006

P.C.:

1. This appeal is being disposed of on the basis of order invited by the parties. The respondent through counsel agree that having regard to the nature of controversy, it will be appropriate that the Notice of Motion No. 2208 of 2006 be decided expeditiously. Counsel for the respondent also informs that although the respondent has filed Notice of Motion (unregistered) praying that hearing of Notice of Motion No. 2208 of 2006 may not proceed further, the said Motion will not be pressed and will be withdrawn. That

assurnace is accepted. In other words, both the parties have agreed that this appeal be disposed of with observation that the Trial Court shall finally decide the Notice of Motion No. 2208 of 2006 expeditiously on its own merit in accordance with law. Accordingly, this appeal is disposed on the above terms.

2. Parties agree that pleadings in Notice of Motion No. 2208 of 2006 is complete. The Trial Court may proceed with the hearing of the notice of motion. The said notice of motion is placed on 8th August, 2006. The motion is directed to be heard and finally disposed of in any event not later than 31st August, 2006.

3. Appeal disposed of on the above terms.

4. In view of this order, the civil application also stands disposed of.

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